

REMARKS

The Examiner rejected claims 8 and 15-16 under 35 U.S.C. §102(b) as being anticipated by Gerzberg et al. (U.S. 4,233,671).

The Examiner rejected claims 8-13 under 35 U.S.C. §102(b) as being anticipated by Nishimura et al. (U.S. 4,462,150).

The Examiner rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Nishimura et al. (U.S. 4,462,15) in view of Mehta et al. (U.S. 5,795,627).

The Examiner rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Nishimura et al. (U.S. 4,462,150).

Since claims 1-16 are canceled, Applicants respectfully contend that the aforementioned rejection of claims 8-16 is moot. Nonetheless as to new claims 27-36, Applicants respectfully contend that the cited references, individually or collectively, do not teach or suggest at least the following feature of claims 27-36: "heating the programmable element with laser radiation to an elevated temperature such that the dopant is activated so as to cause an electrical resistance of the programmable element to decrease, wherein the laser radiation strikes an uncovered surface of the cap portion, passes through the insulative material of the cap portion, and propagates into the programmable element region such that the laser radiation causes substantially no mechanical deformation of the programmable element."

As to claim 17, Applicants respectfully contend that claim 17 was listed in the Office Action Summary as being rejected. However, the Examiner did not recite any grounds for rejecting claim 17. Therefore, Applicants respectfully request that the Examiner either indicate that claim 17 is allowed or provide specific grounds with accompanying analysis for rejecting

claim 17. Applicants respectfully contend that the cited references, individually or collectively, do not teach or suggest at least the following feature of claim 17: "if said test resistance value does not equal said specific precise resistance, exposing said programmable element to said actinic radiation for said first length of time and repeating said steps of determining and comparing said resistance values." Based on the preceding argument, Applicants respectfully contend that claim 17 is patentable over the cited references and in condition for allowance. Since claims 19-26 depend from claim 17, Applicants respectfully contend that 19-26 are likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below.

Date: 06/24/2003

Jack P. Friedman
Jack P. Friedman
Registration No. 44,688

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, New York 12110
(518) 220-1850

FAX RECEIVED

JUN 24 2003

TECHNOLOGY CENTER 2800